



**SBAITI & COMPANY**

A TEXAS PROFESSIONAL LIMITED LIABILITY COMPANY

April 20, 2023

**Via E-File**

Honorable Gregory H. Woods  
U.S. District Judge  
Southern District of New York  
500 Pearl Street, Room 2260  
New York, NY 10007

Re: *U.S. Bank, National Association, et al v.*  
*The Charitable Donor Advised Fund, L.P. et al,*  
No. 1:21-cv-11059-GHW, United States District Court,  
Southern District of New York

Dear Judge Woods:

Undersigned counsel for *NexPoint Diversified Real Estate Trust* respectfully requests a brief continuance of the deadline and hearing date for Counter-Defendants' pre-motion conference.

On April 20, 2023, Plaintiffs/Counter-Defendants filed their request for pre-motion conference on their motions to dismiss Defendants/Counter-Plaintiffs' counterclaims (Dkt. 83). Today, the Court set the teleconference for Thursday, April 27, 2023 at 2:00 pm CDT (Dkt. 84). Under this Court's rules, Counter-Plaintiffs' responsive letters would be due on Tuesday, April 25, 2023.

However, I have an argument before the Second Circuit on that day. I anticipate preparing for the next several days, and I will be traveling to New York on Monday April 24<sup>th</sup> and back to Dallas on Wednesday, April 26, 2023, for said appearance.

By this letter, I respectfully request until Thursday, April 27, 2023, to respond to the pre-motion conference letter filed yesterday.

This would likely entail the Court continuing the teleconference currently set for April 27, 2023. For rescheduling purposes, I can participate in a teleconference on Friday, April 28; Monday, May 1; Wednesday, May 3; or in the afternoon on May 4<sup>th</sup>, 2023 (after 3:00 pm CDT). I am traveling for work on Tuesday, May 2<sup>nd</sup>, and Thursday, May 4<sup>th</sup>, and have a class action prove-up hearing

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on Friday, May 5<sup>th</sup>, 2023, in *William Cleary et al v. American Airlines, Inc.*, No. 4:21-cv-00184-O (Northern District of Texas).

This is my first request to continue this teleconference and is my first request for continuance in this matter. Counsel for the Counter-Defendants have not responded yet to my request for conference and so at this time I cannot state whether they are opposed to this request.

Yours very truly,

/s/ Mazin A. Sbaiti  
Mazin A. Sbaiti